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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/757,632	01/11/2001	ChangSheng Liu	9046-037	8188

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EXAMINER

DIAMOND, ALAN D

ART UNIT PAPER NUMBER

1753

DATE MAILED: 09/25/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/757,632

Applicant(s)

LIU ET AL.

Examiner

Alan Diamond

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 3 is/are allowed.
- 6) ☒ Claim(s) 1, 2 and 4 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 January 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other:

DETAILED ACTION

Specification

1. The abstract of the disclosure is objected to because at the last line of the abstract, the word "be" should be inserted after "may". Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 4 is rejected under 35 U.S.C. 102(b) as being anticipated by JP 8-114575, herein referred to as JP '575.

JP '575 performs capillary zone electrophoresis using a carrier buffer solution (2) containing SDS, wherein both end of the capillary tube (1) are soaked in jars containing said buffer solution (2) (see Figure 1 and the attached English abstract). A voltage is applied across both ends of the capillary tube (1) to cause the sample to migrate in a medium suitable for capillary electrophoresis (see Figure 1; the attached English abstract; and the entire JP '575 document). Since JP '575 teaches the limitations of the instant claims, the reference is deemed to be anticipatory.

4. Claim 4 is rejected under 35 U.S.C. 102(b) as being anticipated by Novotny et al, U.S. Patent 5,459,272.

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Novotny et al performs capillary zone electrophoresis with a mobile phase buffer containing SDS (see col. 3, lines 50-57; and col. 23, lines 43-61). An operating voltage of 25 kV is used (see col. 3, line 56). Since Novotny et al teaches the limitations of the instant claims, the reference is deemed to be anticipatory.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hu et al, Journal of Chromatography A, 717, (1995), pages 33-39.

In section 3.2 at page 35, Hu et al performs capillary zone electrophoresis with a sample buffer having an SDS concentration of 35 mM. On page 36, at the first paragraph of the first column, another capillary zone electrophoresis is performed using an SDS concentration of 3.5 mM in the sample buffer. Hu et al teaches the limitations of the instant claims other than the difference which is discussed below.

Hu et al does not specifically recite "adding" the SDS to the sample to be electrophoresced. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have added to have added the buffer containing the SDS to Hu et al's sample to be electrophoresced so that a sample that is ready for analysis could be obtained.

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7. Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kenndler et al, Journal of Chromatography, 545, (1991), pages 397-402.

Kenndler et al performs capillary zone electrophoresis using protein samples containing SDS at a concentration of 0.05% by weight (i.e., 1.7 mM) and 0.1% by weight (i.e., 3.5 mM) (see page 398; and Figure 1 at page 399). Kenndler et al teaches the limitations of the instant claims other than the difference which is discussed below.

Kenndler et al does not specifically recite "adding" the SDS to the protein sample to be electrophoresced. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have added to have added the buffer containing the SDS to Kenndler et al's protein sample to be electrophoresced so that a sample that is ready for analysis could be obtained.

Allowable Subject Matter

8. Claim 3 is allowed.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alan Diamond whose telephone number is 703-308-0840. The examiner can normally be reached on Monday through Friday, 5:30 a.m. to 2:00 p.m. ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nam Nguyen can be reached on 703-308-3322. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

A handwritten signature in black ink, appearing to read "Alan Diamond". The signature is fluid and cursive, with the first name "Alan" and last name "Diamond" clearly distinguishable.

Alan Diamond
Primary Examiner
Art Unit 1753

Alan Diamond
August 26, 2003